

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LEONARD ALLEN McCORD,

Petitioner,

vs.

DAVE DORMIRE,

Respondent.

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Case No. 4:09-CV-428 TCM

**ORDER**

This matter is before the Court upon the application of Leonard Allen McCord for a writ of habeas corpus. The Court, however, cannot review the merits of the instant petition at this time, because petitioner has submitted neither the \$5 filing fee nor a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.” As such, the Court will give petitioner an opportunity either to pay the \$5 filing fee or to request leave to proceed in forma pauperis. See 28 U.S.C. § 1915; Local Rule 2.05(A).

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall forward to petitioner a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.”

**IT IS FURTHER ORDERED** that petitioner shall have thirty (30) days from the date of this order either to pay the statutory filing fee of \$5, or to submit a completed form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases.”

**IT IS FURTHER ORDERED** that if petitioner fails to pay the filing fee or to submit the form motion and affidavit within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that if petitioner submits the form motion and affidavit, or pays the filing fee within thirty (30) days, the Clerk of Court shall cause this action to be resubmitted to the Court for review under the Rules Governing Section 2254 Cases in the United States District Courts.

Dated this 23rd day of March, 2009.

/s/Thomas C. Mummert

**THOMAS C. MUMMERT, III**

**UNITED STATES MAGISTRATE JUDGE**